



CrI.O.P.No.26994 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.26994 of 2022 and
CrI.M.P.No.16571 of 2022

Jaikumar

... Petitioner

/vs/

1.The State rep. by its
Inspector of Police,
Karumalaikoodal Police Station,
Salem District.
(Crime No.125 of 2022)

2.Sathesh

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records pertaining to the FIR in Crime No.125 of 2022 on the file of the Inspector of Police, Karumalaikoodal Police Station, Salem District and quash the same.

For Petitioner

... Mr.M.Senthil Kumar

For Respondents

... Mr.E.Raj Thilak,
Addl. Public Prosecutor for R1
Party-in-person for R2



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the FIR in Crime No.125 of 2022 on the file of the Inspector of Police, Karumalaikoodal Police Station, Salem District and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. The petitioner is the sole accused in the above said case and the second respondent is the defacto complainant. The second respondent / defacto complainant has given a complaint by stating that he availed a loan of Rs.5,00,000/- on 25.01.2017, Rs.33,00,000/- during the year 2019 and Rs.15,00,000/- during the year 2020. Making altogether, the defacto complainant got a sum of Rs.53,00,000/- as loan from the petitioner / accused. The grievance of the defacto complainant is that the petitioner had fixed an exorbitant interest on the above said loan. The petitioner had harassed the second respondent by demanding Rs.90,00,000/-. The defacto



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the dispute. Both the petitioner and the second respondent affixed their signature in the terms of compromise. The petitioner and the second respondent / defacto complainant were identified by Mr.Sugumar, Inspector of Police, Karumalaikoodal Police Station through Whatsapp Call at about 1.50 p.m. In order to identify the respective parties, they have also produced the copies of the Aadhaar Cards. The terms of compromise were read over to the petitioner and the second respondent. They accepted it to be true and stated that it has been entered between themselves without any coercion or influence.

7. The case has arisen out of money transaction between the petitioner and the second respondent. The petitioner and the second respondent entered into a settlement in order to purchase peace.

8. Under such circumstances, no useful purpose will be served in keeping the proceedings pending. Therefore, in the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641- (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in



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exercise of power under Section 482 Cr.P.C. prefers to quash the proceedings in Crime No.125 of 2022, on the file of the 1st respondent.

9. In the result, this Criminal Original Petition is allowed and as a sequel, the further proceedings in Crime No.125 of 2022 on the file of the 1st respondent, is quashed due to compromise. Consequently, connected miscellaneous petition is closed. The Joint Compromise Memo shall form part of this Order.

Index: Yes/No
Internet: Yes/No
gsk

07.11.2022

To

1.The Inspector of Police,
Karumalaikoodal Police Station,
Salem District.

2.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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